REMARKS

A. REQUEST FOR RECONSIDERATION

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action dated March 24, 2010 but remains of the opinion that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

B. STATUS OF THE CLAIMS

Claims 29-57 are pending in this application, claim 55 has been withdrawn as the result of a previous Restriction Requirement, claims 29, 34, 35, 36, 37, 49 and 50 have been amended, claims 32 and 33 have been cancelled and claims 56 and 57 have been added herein.

Claim 29 has been amended herein to recite the limitations of claim 33, namely that the laminate structure includes an impermeable layer, and an insect attractant layer which includes the insect attractant, a semi-permeable layer and the insect control agent; wherein the semi-permeable layer separates the insect attractant and the insect control agent. Support for this amendment can be found, for example, in claim 33 and at page 4, lines 15-33 of the present application.

Claims 34-37, 49 and 50 have been amended herein to correctly depend from claim 29.

Claim 56 has been added to recite that the insect control agent is an outermost layer of the target zone. Support for new claim 56 can be found, for example, in Figure 15 and on page 29, lines 4-10 of the present application.

Claim 57 has been added to recite that intervals between the target zones are coated with an adhesive material, or an abrasive material, or a material which promotes friction between the tape and a crop. Support for new claim 57 can be found, for example, on page 3 of the present application.

No new matter has been added herein.

C. PRIOR ART REJECTIONS

The Examiner made the following prior art rejections:

(1) Claims 29 and 31-35, 40-42, 46 and 49-52 are rejected as being unpatentable over Hyman '283 (US 4,161,283);

(2) Claim 30 is rejected as being unpatentable over Hyman '283 and Geary (US 2,911,756);

(3) Claims 36-39 are rejected as being unpatentable over Hyman '283 and Capizzi;

(4) Claims 43-45 are rejected as being unpatentable over Hyman '283 and Hyman '468 (US 4,285,468);

(5) Claim 47 is rejected as being unpatentable over Hyman '283 and Sengupta;

(6) Claim 53 is rejected as being unpatentable over Hyman '283 and Yamaguchi; and

(7) Claim 48 and 54 are rejected being unpatentable over Hyman '283 and Losel.

In view of amending claim 29 to include the limitations of claim 33, prior art rejections (2)-(7) are moot because claim 33 was not included in those rejections.

Turning to prior art rejection (1), the Examiner recognized that "Hyman fails to expressly teach the article as dispensing both a insecticide and insect attractant" (page 5 of the Office Action). However, the Examiner has taken the position that it would have been obvious to one of ordinary skill to add an insect attractant to the article of Hyman '283 to arrive at the claimed invention. Applicant respectfully submits that there is no teaching or suggestion anywhere in Hyman '283 to combine both an insect attractant and insect control agent at the same time, wherein the insect attractant and the insect control agent are separated by a semi-permeable layer as is required in the claimed invention.

Hyman '283 teaches an article having a removable barrier layer which permits the dispersion of volatile substances, i.e. insect control agent (col. 6, line 61-col. 7, line 27). There is a single reservoir and no semi-permeable layer (Figure 3). In contrast, the claimed invention requires an insect attractant layer having an insect attractant, a semi-permeable layer and an insect control agent, wherein the semi-permeable layer is present between the insect attracting agent and the insect control agent. See, for example, Figure 15. Since Hyman '283 does not teach or suggest a semi-permeable layer separating an insect attractant and an insect control agent, the reference does not teach or suggest the claimed system.

Furthermore, the semi-permeable layer in the claimed system prevents mixing of the insect attractant and the insect control agent. The claimed systems do not exhibit any incompatibility issues which could arise when attractant and control agent are mixed and held

together in a reservoir, such as that taught in Hyman '283. Insect attractants are volatile substances, which tend to be fragile structures susceptible to degradation when admixed with incompatible materials. Since Hyman '283 does not teach an insect attractant or a semi-permeable layer to separate an insect attractant and an insect control agent, one of skill in the art would not arrive at the claimed invention based on the teachings of Hyman '283.

Moreover, the article taught in Hyman '283 is not suitable for contact insect control agents, i.e. control agents that need to touch the target insect to work as the control agents. The insect control agent is maintained in a reservoir that is fully encapsulated within a polymeric layer and a barrier layer. Therefore, contact control agents would not work in the article of Hyman '283. In contrast, the control agent in the claimed system does not need to be contained in a reservoir. Unlike the article taught in Hyman '283, the claimed system is suitable for contact insect control agents. Thus, clearly the claimed system having an insect attractant layer including an insect attractant, a semi-permeable layer and an insect control agent, wherein the semi-permeable layer is present between the insect attracting agent and the insect control agent is different from the article in Hyman '283.

Additionally, neither do Geary, Capizzi, Hyman '468, Sengupta, Yamaguchi, nor Losel cure the deficiencies of Hyman '283. None of the secondary references cited by the Examiner teach or suggest a semi-permeable layer separating an insect attractant and an insect control agent.

Since none of the references cited by the Examiner, either alone, or in combination, teach or suggest the claimed system for controlling insects, it is respectfully submitted that the claims presented herein are patentable over the Examiner's rejections.

D. NEW CLAIMS 56 AND 57 AND PRIOR ART REJECTIONS

New claims 56 and 57 depend from claim 29, and therefore include all of the limitations of that claim. As discussed above, none of the references cited by the Examiner teach the claimed configuration of a system for controlling insects having an insect attractant layer including an insect attractant, a semi-permeable layer and an insect control agent, wherein the semi-permeable layer is present between the insect attracting agent and the insect control agent. Accordingly, claims 56 and 57 are also patentable over the Examiner's rejections.

Applicant notes that the Application was filed with 27 claims, with the extra claims fee

paid concurrently therewith. New claims 56 and 57 bring the current total claims to 27. Therefore, no extra claims fee is believed due.

E. FEES

This response is being filed with a request for a one-month extension of time, the required fee paid concurrently herewith. No further fee is believed to be due. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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